

### **REMARKS**

Claims 54, 56-58, 60?? -62 and 64-69 have been amended. Claims 54 and 62 are independent claims. Specification informality concerning the patent no. or the parent application has been amended as required by Examiner.

#### **Claim Rejection - 35 USC § 112 Second Paragraph**

Examiner rejected Claims 54, 56-58, 60-62 and 64-69 under 35 USC § 112 second Paragraph as being indefinite and for not pointing out and distinctly claiming the subject matter.

Examiner states that there is no mention of handset in steps of Claim 54 and 62, but are mentioned in the preambles. Applicant believes it is unnecessary to add the word handset in the step as it is reasonably clear that the steps refer to handset steps. However, Applicant has amended the Claims 54 and 62 to include the word handset in each step for clarity. Examiner was generally confused the by certain claim language as not having clear antecedent basis in Claims 54 and 62. This also has been corrected by Applicant's claim amendments.

#### **Claim Objections**

Claim 58 was objected to because the -is- was missing; this has been corrected by amendment. Claim 54 was objected to because step a, b and c recite "a portable local communication", Examiner suggests changing steps b and c to --the portable local communication -. Applicant has made these changes as suggested.

#### **Claim Rejections - 35 USC § 102**

Examiner rejected Claims 54, 56-58, 60-62, and 64-69 under 35 USC § 102(e) as being anticipated by Puthuff (US Patent 6,112,103). As to the 102(e) rejections, Examiner states they are "as best understood considering the indefiniteness [of the claims] cited above. With the indefiniteness corrected herein, it is clear that the claims are not anticipated by Puthuff. The communication structure of Puthuff is fundamentally different than Claim 54 and 62, and

their dependants. As shown in Puthuff's Fig. 1, only ear sets (400, 402) communicate wirelessly to a personal Communication node (PCN) or device (100), and all the PCNs are direct connected to either a fixed telephone or personal computer; see straight lines between PCNs and PCs and telephones. In the Puthuff reference, straight lines represent direct wire connection or via adapter connection; Fig. 1's jagged lines indicate wireless communications. Puthuff's PCN is not equivalent to Applicant's "local communication base unit". A PCN is a simple communication node, in contrast Applicant's local base unit is comprised of complex a microprocessor, memory, software programs and support components.

As to Applicant's Claim 54, Applicant's step (c) states the handset wirelessly "*communicate [selectively] to and from either one of the following: the portable local communication base unit or an external wide area network.*" Puthuff's earset can only communicate wirelessly with PCNs, and PCNs are only direct connected to other type devices. As evidence of this, Puthuff states:

"As shown by the arrows in Fig. 1, the PCN 100 can be coupled to several different types of remote devices, either directly or through a universal adapter 200." [Col. 3, ln 5-7]

"Alternately, the PCN 100 can be connected to a cellular or pager 302 via an adapter 200." [Col. 3, ln 13-16]

"The PCN 100 can also be connected to a personal computer 308 via the adapter 200 through a parallel or serial port on the personal computer 308. Alternately, the PCN 100 can connected directly to a personal computer 310 that includes I/O jacks for connection to the PCN." [Col. 3, lns 34-38]

Therefore, Puthuff's PCN 100 is always direct connected or coupled to remote devices, not an integrated local base unit as Applicant's claims teach.

As to Applicant's Claim 62, Puthuff fails to teach step (a) "*handset data for wireless data networking with a portable base unit;*". Puthuff never teaches wireless computer network data communication between an earset or handset and PCN. In fact, as shown in Fig. 1, Puthuff teaches wireless communication only between earsets (400, 402) and PCNs (100), emphasizing

only voice data. Puthuff does mention the Internet, but Puthuff's Internet use occurs after the PC only, and only when a PCN is directly connected or coupled to the PC. As evidence of Puthuff's Internet use via voice command, after a PCN is direct connected to PC:

"With the PCN 100 connected either directly or via the adapter 200, the user can use the personal computers 308 and 310 for Internet applications to update schedules, to input data, to control calls, to dictate information, for intelligent applications, and so on, simply by issuing voice commands."

Puthuff only mentions an Internet voice use with respect to the PC, but does not teach how or where connected. Also, Puthuff's PCN (100) and personal computer (310) are different units having different functions for different purposes. For all the above reasons, applicant requests Claims 54, 56-58, 60-62, and 64-69 be placed into allowance.

#### **CONCLUSIONS**

Claims 54, 56-58, 60-62, and 64-69 appear to be patentable under the meaning of 35 U.S.C. § 112 second paragraphs and §102(e). No new matter has been added. All claim amendments were not made due to any patentability reasons, but instead were made to remove confusion, claim matter more distinctly, and to bring to life the meaning of the specification and drawings. Claim amendments do not narrow the scope of the claims. Applicant most respectfully requests Claims 54, 56-58, 60-62, and 64-69 be placed into allowance.

Sincerely,

Date: \_\_\_\_\_

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